



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,370	11/08/2001	Kaoru Shibata	0445-0311P	5145

7590 03/14/2003

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P. O. BOX 747
Falls Church, VA 22040-0747

EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
----------	--------------

1773

DATE MAILED: 03/14/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

Office Action Summary

Application No.

09/986,370

Applicant(s)

SHIBATA ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8,9,21-23 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 3,6,7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1773

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 5, 8, 9, 21, 22, 23 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 3, the word "and" should read -- or -- for proper Markush group and

Line 4, the phrase "as said resin having a flexural modulus of 100 MPa or less" renders claim indefinite. It is not clear whether recited flexural modulus is for ethylene-propylene rubber or for an ethylene- α -olefin copolymer or for thermoplastic resin composition. Clarification and/or correction requested.

Claim 5, line 5, the word "and" should read -- or -- for proper Markush group and

line 6, the phrase "as said resin having a flexural modulus of 100 Mpa or less" renders claim indefinite for the same reasons as for claim 4 above.

Claims 8 and 9 are appears to be duplicate claims.

Claim 21, line 2, the phrase "polypropylene resins" should read -- polypropylene resin -- since claim 17 recite "polypropylene resin" and not "polypropylene resins" for the layer and for the layer C.

Line 2, the phrase "each comprise" should read either -- each further comprises -
- or -- is -- for clarity.

Claim 22, line 2, the word "comprises" should read either -- further comprises --
or -- is --.

Art Unit: 1773

line 3 "an ethylene-propylene-butene copolymer" should read -- an ethylene-propylene-butene terpolymer --.

Claim 23, line 2, the word "contains" should read either -- further contains -- or -- is --.

Claim 27, lines 8-9, the phrase ", which are surface layers, both have a polypropylene resins content of 60% by weight or more" should read -- have a polypropylene resin content for 60% by weigh or more and both are surface layers --.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Meilhon et al (U.S. Patent 5,356,677).

Meilhon et al. disclose a shrinkable thermoplastic packaging film having lower tear strength in transverse direction than that of machine direction (i.e., lengthwise).

Meilhon et al's shrinkable thermoplastic film can have layer(s) of polypropylene (col. 4 lines 18-35). Meilhan et al's film deemed to have claimed physical properties unless shown otherwise.

Art Unit: 1773

6. Claims 3, 6, 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 5, 8, 9, 21, 22 and 23 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 27-30 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. Claims 11-20 and 24-26 are allowed since art of record fail to teach claimed polyolefin multilayer film having at least three layers of recited composition and/or physical properties.

10. Receipt of Information Disclosure Statement filed February 8, 2002 is acknowledged. All recited Japanese documents have been considered to the extent of provided English abstracts and are made of record.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D.S. Nakarani whose telephone number is 703-308-

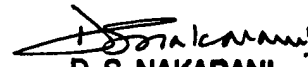
Art Unit: 1773

2413. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

D. S. Nakarani/mn
March 13, 2003


D. S. NAKARANI
PRIMARY EXAMINER